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Attorneys for Defendants System Planning

Corporation, System Planning Corporation

d/b/a/ Globaltrak, and Richard C. Meyers

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IMPEVA LABS, INC.,

Plaintiff,

vs.

SYSTEM PLANNING
CORPORATION, SYSTEM
PLANNING CORPORATION D/B/A
GLOBALTRAK, AND RICHARD C.
MEYERS

Defendants.

Civil Action No. 5:12-cv-00125-EJD

**~~PROPOSED~~ ORDER GRANTING
SECOND EXTENSION OF TIME
FOR CASE MANAGEMENT
CONFERENCE AND RELATED
DATES**

IT IS HEREBY STIPULATED by and between the parties hereto pursuant to Local Rule 7-12, and with the approval of this Court, that the ADR deadlines, Case Management Conference and related dates, be extended from their presently noticed dates based upon the following:

WHEREAS, on or about March 6, 2012 the parties submitted their first stipulation to extend the time for the ADR deadlines as well as the Case Management Conference ("CMC") and related dates, (Dkt. 21), and, on March 7, 2012, the Court denied the request on the grounds that Plaintiff's First Amended

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1 Complaint rendered Defendants' motion to dismiss
2 moot; and

3 WHEREAS, thereafter on or about April 3, 2012 this Court, in response to the
4 parties' stipulation, granted the parties' request that the ADR deadlines and CMC
5 and related filing dates be continued due to the proximity with the hearing on
6 Defendants' Motion to Dismiss the First Amended Complaint and the CMC, both
7 scheduled for April 27, 2012 (Dkt. 25); and

8 WHEREAS, as a result, the Court continued the CMC from April 27 to June
9 1, the ADR deadlines from April 6 to May 13 and the date for filing the Rule 26
10 Report, submission of the Initial Disclosures and the Case Management Statement
11 from April 20 to May 26, 2012; and

12 WHEREAS, on April 25, 2012 the Court continued the hearing on the
13 motion to dismiss from April 27 to May 11, 2012 (Dkt. 28) and, thereafter, on May
14 8, 2012, vacated the hearing and took the motion under submission without oral
15 argument (Dkt. 29); and

16 WHEREAS, under the present schedule, the parties are to meet and confer
17 regarding the Case Management Statement on or before May 11, submit the ADR
18 Certification and Stipulation re ADR by May 14 (May 13 falling on a Sunday);
19 prepare and file the Rule 26 Report, Initial Disclosures and Case Management
20 Statement by May 26; and

21 WHEREAS, it is still the parties belief that preparation of the Case
22 Management Statement, Initial Disclosures and Rule 26 Report is premature at this
23 juncture for the following reasons: (1) the Court's decision with respect to
24 Defendants' motion to dismiss will have an impact upon virtually all of the filings in
25 preparation for the Case Management Conference insofar as the claims that will be
26 at issue, the discovery required as between the parties as well as third parties and
27 possibly the ADR that the parties would select as being the most efficacious; (2)
28 Defendants have not filed an answer to the First Amended Complaint, so any

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1 affirmative defenses it may assert must await the Court's decision on the motion; (3)
 2 Defendants have made no determination as to any counterclaims or possible third
 3 party complaints as such would await the decision of the Court on the motion to
 4 dismiss; (4) the Court's determination of the motion to dismiss would also affect the
 5 application of this Court's local patent rules to this action in the event that the Court
 6 grants or denies the motion with respect to Plaintiff's causes of action for
 7 declaratory relief as to non-infringement and invalidity of the patents of Defendant
 8 System Planning Corporation;

9 Accordingly, even if the Court rules on the motion in the very near future, the
 10 foregoing issues, including the need for Defendants' responsive pleading, lead the
 11 parties to believe that to conserve judicial resources the CMC, should be continued
 12 so as to permit this Court to rule on Defendants' motion and, thereafter, allow the
 13 parties to prepare for the CMC based upon this Court's ruling and the pleading
 14 placing the matter at issue.

15 The parties therefor respectfully request that the Case Management
 16 Conference, and related filing deadlines as well as the ADR deadlines be revised as
 17 set forth below:

19	Event	Present Date	New Date
20	CMC	June 1, 2012	August 3, 2012 August 10, 2012
21			
22	ADR Deadlines	May 13, 2012	July 13, 2012
23			
24	Rule 26(f) Report;		
25	Initial Disclosures;		
26	Case Management		
27	Statement.	May 26, 2012	July 27, 2012 August 3, 2012
28			

1 **IT IS SO STIPULATED.**

2
3 DATED: May 14, 2012

MICHAEL E. DERGOSITS
IGOR SHOIKET
DERGOSITS & NOAH LLP

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6
7 By: /s/ Michael E. Dergosits
8 Michael E. Dergosits
9 Attorneys for Plaintiff Impeva Labs, Inc.

10
11 DATED: May 14, 2012

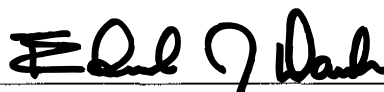
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14
15 By: /s/ Thomas S. Kiddé
16 Thomas S. Kiddé
17 Attorneys for Defendants System Planning
18 Corporation, System Planning Corporation
19 d/b/a/ Globaltrak, and Richard C. Meyers

20 **ORDER**

21 GOOD CAUSE APPEARING, IT IS ORDERED that the Case Management
22 Conference, Initial Disclosure, Rule 26 Report and ADR deadlines are extended as
23 set forth in the above Stipulation.

24
25 Dated: May 15, 2012

26 
27 Honorable Edward J. Davila
28 U.S. District Court Judge